

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DECUS, INC. and DECUS CONSTRUCTION, INC.,	:	
	:	
Plaintiffs,	:	Civil Action No. 2:16-cv-5849-MAK
	:	
v.	:	
	:	
MARK HEENAN and HEENAN HOLDINGS, LLC,	:	
	:	
Defendants.	:	

**PLAINTIFFS' RESPONSE TO DEFENDANTS' OBJECTIONS  
TO PLAINTIFFS' JURY INSTRUCTIONS**

Plaintiffs, Decus, Inc. and Decus Construction, Inc. ("Decus") by and through the undersigned counsel, hereby submit this Response to Defendants' Objections to Plaintiffs' Proposed Jury Instructions.

Defendants object to Plaintiffs' Proposed Jury Instructions for Trademark Infringement and Cyberpiracy under the Lanham Act. Defendants propose that the following additional language be added to Plaintiffs' Proposed Jury Instructions: "the plaintiffs [have] established [the Decus Logo] as a trademark for plaintiff[s] services." Plaintiffs' Proposed Jury Instructions, however, specifically state that Decus must prove it is the owner of the trademark. As such, this additional language proposed by Defendants is not necessary.

Additionally, Defendants object to Plaintiffs' Proposed Jury Instructions for Punitive Damages. The basis for Defendants' objection is that Plaintiffs rely upon the language of 5-87 Modern Federal Jury Instructions- Civil P 87.03. Notably, Defendants do not object to the actual language set forth in this Proposed Jury Instruction. Indeed, the language set forth in Plaintiffs' Proposed Jury Instruction No. 8 contains a standard instruction on punitive damages, and

therefore the proposed language is applicable to this case. In the event this Honorable Court agrees with the Defendants' objection, Plaintiffs respectfully request that 4-77 Modern Federal Jury Instructions- Civil P 77.05 be substituted for Plaintiffs' Jury Instruction No. 8.

**OFFIT KURMAN, P.A.**

By: /s/ Kevin B. Watson  
Kevin B. Watson  
*Attorneys for Plaintiffs*

Date: September 20, 2017

**CERTIFICATE OF SERVICE**

I, Kevin B. Watson, counsel for Plaintiffs, Decus, Inc. and Decus Construction, Inc., state that a true and correct copy of the within Response to Defendants' Opposition to Plaintiffs' Jury Instructions was served upon the following via ECF filing this 20<sup>th</sup> day of September, 2017.

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**OFFIT KURMAN, P.A.**

By: /s/ Kevin B. Watson  
Kevin B. Watson  
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